IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

F.A. NO. 884 OF 2004
(Old No. 165/1984)

Bhagwati Prasad and others .....Appellants.

Versus

State of Uttar Pradesh, Sports Deptt. and another.
.....Respondents.

Hon'ble Rajesh Tandon J.

File has been transferred for Allahabad High Court.

By the impugned order, the plaintiff has challenged the order dated 30th November, 1983, by which the suit has been dismissed on the ground that the proceedings under the Land Acquisition Act are not amenable to challenge in the Civil Suit. The Suit for declaration was filed by the plaintiff stating therein that the land belongs to the plaintiff and has not vested with the Notification dated 12.08.1976 under Section 4(1), 6 and 17 of the Land Acquisition Act has been challenged by way of Civil Suit.

A perusal of the record shows that sufficient reason has been given by the Court below that the proceedings for land acquisition can not be challenged by way of Civil Suit. I find no infirmity in the order passed by the Court below.

None appears for the parties to press the same. It appears that the appeal has become infructuous by efflix of time.

The appeal is dismissed as infructuous. Liberty is given to the appellants for recalling the order, in case cause of action still survives.

(RAJESH TANDON, J.)

25.10.2004

P.S.R.